Filed: 8/26/2020 6:58 PM
Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Envelope ID: 45737094

NO. 417-53803-2020

IN THE INTEREST OF	**§**	**IN THE DISTRICT COURT**
	§	
S.A.L., J.L.L. AND L.A.L.,	**§**	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	**§**	**COLLIN COUNTY, TEXAS**

RESPONSE TO RESPONDENT'S APPLICATION FOR TEMPORARY RESTRAINING ORDER

Michael Long, Petitioner, submits to the Court this response to the Application for Temporary Restraining Order filed in this case by Kelly Long, Respondent, on August 26, 2020.

1. A hearing was held in this matter on August 20, 2020 as the result of a Temporary Restraining Order filed by Michael Long, then a competing Temporary Restraining Order filed by Kelly Long. At such hearing, the Court ordered Michael Long to return the children to Kelly Long at 6:00 p.m. on August 25, 2020. Michael Long returned the children to Kelly Long at 6:00 p.m. on Tuesday, August 25, 2020. The children are now in the possession of Kelly Long, and the possession order set forth in the prior final order is again in effect. In addition, the parties were ordered to complete competing psychiatric evaluations, Rachel Li was appointed Amicus Attorney, and Dr. Beckloff was appointed as counselor for the children.

2. **On August 26, 2020, Kelly Long filed yet another request for a Temporary Restraining Order requesting this Court to grant extraordinary relief without affording Michael Long the opportunity to receive notice of and present evidence at a hearing. As is stated in more detail below, there is no emergency that warrants relief without Michael Long being properly noticed and afforded the opportunity to present evidence and argument at a hearing. This is nothing more than an attempt to circumvent the legal process and Michael Long's due process rights.**

3. The Temporary Restraining Order requested by Kelly Long is neither appropriate nor required as emergency relief as follows:

- *Communicating with Respondent or Respondent's family members except through counsel:* There are no allegations that Michael Long has threatened Respondent or Respondent's family or that any harm will occur if Respondent communicates with Respondent or Respondent's family before a hearing can be held. Nothing even alleged in Respondent's affidavit provides justification to prevent Petitioner from communicating with the parent of the children on an emergency basis.

- *Threatening Respondent in person, by telephone, or in writing to take unlawful action against any person*: Both parties are already prohibited from engaging in this behavior pursuant to the Collin County Standing Order. Including this request, yet again, is unnecessary, inflammatory, and harassing.

- *Causing bodily injury to Respondent, the children the subject of this suit, or Respondent's family*: Both parties are already prohibited from engaging in this behavior pursuant to the Collin County Standing Order. Including this request, yet again, is unnecessary, inflammatory, and harassing. Further, there are no factual allegations that support a claim that there is any risk of harm to any member of Respondent's family.

- *Threatening Respondent, the children, or Respondent's family with imminent bodily injury*: Both parties are already prohibited from engaging in this behavior pursuant to the Collin County Standing Order. Including this request, yet again, is unnecessary, inflammatory, and harassing. Further, there are no allegations that there is any risk of harm to any member of Respondent's family.

- *Coming within 1000 yards of Respondent's residence, place of employment, or school or daycare of the children the subject of this suit*: There are no allegations or accusations of harm that would warrant granting this relief on an emergency basis, with no notice to Petitioner. Respondent had the same information set forth in her affidavit (that relates to this request) at time of her prior filings for emergency relief and at the time of the prior hearing. Nothing relating to allegations regarding the exchange that occurred on August 25, 2020 or anything since relate to or warrant this relief on an emergency basis.

- *Disturbing the peace of the children or of another party:* Both parties are already prohibited from engaging in this behavior pursuant to the Collin County Standing Order. Including this request, yet again, is unnecessary, inflammatory, and harassing.

- *Disrupting or removing the children from the school or childcare facility in which the children are enrolled or approaching the children at any location:* Both parties are already prohibited from removing the children from the school or

childcare facility in which the children are enrolling pursuant to the Collin County Standing Order. Including this request, yet again, is unnecessary, inflammatory, and harassing.

- *Removing the children from Collin County, Texas or the United States:* Petitioner resides and has resided outside of Collin County, Texas, so a prohibition against removing the children from Collin County would be a de facto denial of possession of or access to the children. There is no justification for the emergency denial of possession of and access to the children by Michael Long without so much as an opportunity to be heard, especially considering the fact that the children are in possession of Kelly Long pursuant to the current governing order.

- *Having any contact with the children the subject of this suit:* This case was initiated by an Application for Temporary Restraining Order filed by Michael Long based on concerns of physical and sexual abuse of the children while in Kelly Long's care. After multiple "emergency" motions back and forth and 2 hearings, the Court put into place a process to determine whether there is any risk to the children's health or wellbeing in either parents' care. This process includes the appointment of an Amicus Attorney, counseling for the children, and psychological evaluations for the parties. The Court's stated intention was to allow the process to work and to determine what is really going on in both homes before any long-lasting decisions are made regarding possession or conservatorship. At the hearing on August 20, 2020, the Court did not grant Kelly Long's request to deny Michael Long possession of or access to the children (as outlined in her pleadings). To now, the day after the ordered exchange occurred, claim that there is an emergency warranting Michael Long having no contact with the children without so much as a hearing is a blatant attempt to circumvent that process that the Court has put into place and to try this case by affidavit. Even if Respondent's allegations regarding the children being poorly dressed and not having manicured nails are true, those allegations don't come close to warranting an emergent and complete denial of access.

- *Having any possession of the children subject of this suit*: See immediately above. Again, the only statements alleged in Respondent's affidavit either occurred prior to the August 20, 2020 hearing or do not come close to warranting the relief requested. In addition, this relief is not necessary on an emergency basis because Michael Long does not have the right to possession of the children before a hearing could be properly noticed and heard.

- *Following, stalking, tracking, harassing Respondent, the child, or Respondent's family in any manner*: Respondent has been accused of permitting her children to be abused and/or exposing the children to domestic violence in her household. With that in mind, Petitioner has the right to (and it's in the children's best interest to) pursue litigation of this matter, which may involve hiring a private investigator. There is no risk of harm associated with a private investigator legally following or investigating a party or the circumstances of the children. While

> Respondent makes the inflammatory and unfounded statement that she is "scared these friends of his may attempt to run [her] off the road or cause physical harm to [her]," there is absolutely no factual basis for this. Respondent's affidavit contains no allegations that Petitioner or any "friend" of Petitioner has **ever** engaged in or threatened to engage in any such behavior. Further, both parties are already prohibited from engaging in unlawful behavior (like stalking, tracking, and harassing) pursuant to the Collin County Standing Order. Including this request, yet again, is unnecessary, inflammatory, and harassing.

4. **No case should be tried through emergency motions wherein one party makes unchecked allegations and relief is granted before the other party is afforded notice and the opportunity to be heard.** While there may be need for further temporary orders in this case, those temporary orders should be entered after the parties file the proper motions satisfying all relevant pleading requirements, proper notice is provided, and both parties have the opportunity to prepare for and present evidence at a hearing.

5. It was necessary to secure the services of Taylor M. Mohr of MOHR LAW GROUP, a licensed attorney, to preserve and protect the rights of the children. Petitioner should be ordered to pay reasonable attorney's fees, expenses, and costs, and a judgment should be rendered in favor of this attorney and against Petitioner and be ordered paid directly to Respondent's attorney, who may enforce the judgment in the attorney's own name. Respondent requests post-judgment interest as allowed by law.

Prayer

Petitioner prays that this Court deny Respondent's Application for Temporary Restraining Order.

Petitioner prays for recovery of attorney's fees, expenses, costs and interests as requested above.

Petitioner prays for general relief.

Respectfully submitted,

MOHR LAW GROUP
5830 Granite Parkway #100-220
Plano, Texas 75024
Tel: 972.265.9530

By: Taylor Mohr
Taylor M. Mohr
State Bar No. 24081049
taylor@mohrlawgroup.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that a true copy of this Respondent to Respondent's Application for Temporary Restraining Order was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on August 26, 2020:

Amber Shemesh by electronic filing manager.

Rachel Li by electronic filing manager.

Taylor Mohr
Taylor M. Mohr
Attorney for Petitioner

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Taylor Mohr on behalf of Taylor Mohr
Bar No. 24081049
taylor@mohrlawfirm.com
Envelope ID: 45737094
Status as of 8/27/2020 8:07 AM CST

Associated Case Party: Kelly Long

Name	BarNumber	Email	TimestampSubmitted	Status
Amber Shemesh		amber@shemeshfamilylaw.com	8/26/2020 6:58:40 PM	SENT
Adriana Cancino		acancino@shemeshfamilylaw.com	8/26/2020 6:58:40 PM	SENT
Alexandra Willen		awillen@shemeshfamilylaw.com	8/26/2020 6:58:40 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kim Scroggins		kim@mohrlawfirm.com	8/26/2020 6:58:40 PM	SENT
Taylor Mohr		taylor@mohrlawfirm.com	8/26/2020 6:58:40 PM	SENT
Taylor MMohr		taylor@mohrlawfirm.com	8/26/2020 6:58:40 PM	SENT
Mary Spring		maryspring@mohrlawfirm.com	8/26/2020 6:58:40 PM	SENT
Rachel Li	24056892	efs@rachellilaw.com	8/26/2020 6:58:40 PM	SENT